(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

CIVIL APPLICATION NO. 28 OF 2004
IN APPEAL FROM ORDER NO. 10 OF 2004

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri A. Palekar, advocate for the applicant.

Shri J. P. Mulgaokar, advocate for respondent nos. 1 to 3.

Shri P. A. Kamat, Govt. Advocate for respondent no.4.

CORAM : S. A. BOBDE, J.

DATE : 18th June, 2004

P.C.:

Heard. This is an application for stay made in an appeal admitted by this Court against an order restraining the applicant from trespassing and interfering with the suit property.

2. Shri Mulgaokar, learned counsel for the respondent nos.1 to 3 submits that the applicant is attempting to install a crusher in the suit premises, which would permanently alter the character of the suit property. The learned

counsel for the applicant submits that the applicant has been permitted under a lease dated 10th February, 1994, executed by the late husband of respondent no.1, to procure a crusher. However, there is no categorical finding that such a lease deed permitting the installation of a crusher was executed by the late husband of respondent no.1 in favour of the applicant. There is categorical finding that the respondent no.1, i.e. plaintiff no.1 has not expressly consented to the alleged lease deed.

Hence, the parties shall maintain status quo in respect of the suit property, particularly having regard to the fact that the evidence in the suit has reportedly commended and the suit itself is likely to be decided soon. Order accordingly.

S. A. BOBDE, J.